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West Virginia Trans. Co. v. Standard Oil Co. (1902), 50 W. Va. 611, 88 Am. St. R. 895, 40 S. E. 591; *Frank v. Herold* (1902), 63 N. J. Eq. 443, 52 Atl. 152.

There are several cases to the contrary, however: *Ashley v. Dixon* (1872), 48 N. Y. 430, 8 Am. R. 559 (not a contract of service); *Chambers v. Baldwin* (1891), 91 Ky. 121, 34 Am. St. R. 165, 11 L. R. A. 545, 15 S. W. 57; *Boulier v. Macauley* (1891), 91 Ky. 135, 34 Am. St. R. 171, 11 L. R. A. 550, 15 S. W. 60; *Boyse v. Thorn* (1893), 98 Cal. 578, 21 L. R. A. 233, 33 Pac. 492, Bur. Cas. Torts 492; *Raycroft v. Tayntor* (1896), 68 Vt. 219, 54 Am. St. R. 882, 33 L. R. A. 225, 35 Atl. 53; *Glencoe Land & Gravel Co. v. Commission Co.* (1897), 138 Mo. 439, 40 S. W. 93; *Baker v. Metropolitan Life Ins. Co.* (1901), — Ky. —, 55 L. R. A. 271, 64 S. W. 913; *Brown Hardware Co. v. Indiana Stove Works* (1903), — Tex. —, 73 S. W. 800. Many of these cases, however, recognize a right of action if slander, fraud, force, threats or coercion of any kind be used.

RECENT IMPORTANT DECISIONS

ACTION TO QUIET TITLE—VENUE—CHANGE OF VENUE.—B corporation sues C corporation for damages because the defendant has filled up a canal which the plaintiff had constructed and was maintaining over a tract of land belonging to the defendant. The action having been brought in the superior court for the county of San Francisco the defendant moved that the case be transferred to the superior court of Kern county, where the land is situated, since by section 5, article 6 of the California Constitution "all actions for quieting title, etc., etc., to real estate shall be commenced in the county in which the real estate is situated." *Held*, that the action, being simply to recover damages, was rightly commenced in the court of San Francisco. *Miller, et al. v. Kern County Land Company* (1903), — Cal. — 73 Pac. Rep. 837.

This is not the first time such questions have come up for decision in this court and, heretofore, it has been held that, if the complaint discloses that the effect of a judgment would be to quiet title to the property in controversy, section 5, article 6 of the Constitution should govern. The following cases are to this effect, and it appears contrary to the decision of this court. *Fritts v. Canif*, 94 Cal. 393; *Pacific Yacht Club v. Sansalito*, 98 Cal. 487; *Staadse v. Bell*, 125 Cal. 309.

AGENCY—SECRET COMMISSION—RECOVERY OF BOTH SECRET AND STIPULATED COMMISSION.—The plaintiff employed the defendants to sell certain property belonging to the plaintiff. The defendants effected the sale and received their stipulated commission from the plaintiff. The defendants also received a secret compensation from the purchasers. On learning of this secret commission, the plaintiff sued the defendants for the amount of such commission and recovered. In this action to recover the stipulated commission paid by plaintiff to defendants. *Held*, the plaintiff could recover. *Andrew v. Ramsay & Co.* [1903], 72 L. J. K. B. 865.

The defendants contended that the action for and recovery of the secret commission was a ratification of the sale and that as the services of the